

Applicant: Cole Williams **Art Unit:** 1733
Serial No: 09/978,441 **Examiner:** Jeff H. Aftergut
File Date: October 15, 2001
The Invention: "Waterproof, Breathable Articles of Apparel"

Glendale, California – December 8, 2003

**Commissioner of Patents
Post Office Box 1450
Arlington, Virginia 22313-1450**

Sir:

Along with requesting a two month extension of time to reply to the previously issued Office Action dated July 7, 2003, until December 8, 2003 (December 7, 2003 being a Sunday) to a final rejection mailed July 7, 2003, Applicant has filed a Request For Continued Examination under 37 CFR 1.114.

Reconsideration of the final rejection is now respectfully requested for the following reasons:

In the Office Action dated July 7, 2003, the Examiner states in pertinent part:

"The Applicant argues that neither one of Williams '226 or PCT 569 suggested a bladder adapted to enclose one portion of the user's extremity such as a user's foot and a second portion adapted to sealingly engage another portion of the user's extremity as, for example, the skin of the lower leg portion of the user. While neither one of the references taught the same, the incorporation of the bladder in the sandwich construction as defined by either one of PCT '480 or town (where the length of the bladder was less than the length of the exterior layer but greater than the length of the interiorly disposed layer) would have resulted in a bladder which

was capable of not only enclosing one portion of the user's extremity but also of sealingly engaging another portion of the user's extremity by contact with the skin of user in the sealing zone. While the references to Williams '226 or PCT '569 do not expressly state that the bladder has a surface which is glaze-like, the bladder is made of the same materials as applicant (sic. 'applicant's) and the bladder is of a similar thickness to that claims (sic. 'claimed') One would have expected that like materials would have had like properties and thus it is reasonable to assert that the bladder of Williams '226 or PCT '569 would have had the same properties as defined in the claims." (emphasis added)

As pointed out in the Declaration of Cole Williams, which is attached hereto, on page 11 of the specification of Serial No. 09/978,441, the heating and compression of the precursor assembly, which comprises the first adhesive coated sock 22, the bladder 12 and the second adhesive coated sock 24, is there described. It is there pointed out that "...due to the unique design of the article of apparel of the invention, during the temperature, pressure step, portion 16 of bladder 12, that is the portion of the bladder extending above margin 34 of inner sock 22, is urged against the smooth surfaces 36 of mandrel 30 (figure 3). As the adhesive 27, which was previously deposited on bladder 12, melts and is pressed against the mandrel, it will melt to form a smooth surface that exhibits exceptional sealing capabilities."

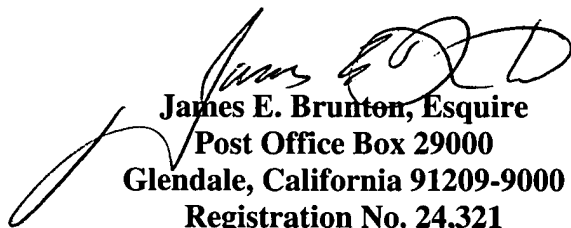
While the examiner is correct in his statement in the Action dated July 7, 2002, that the bladder is made of the same material, the processing of the precursor assembly of the Williams '226 and PCT '567 does not involve urging the bladder against the smooth surfaces of the mandrel to produce the critical feature of the

present invention, namely the glaze-like surface that provides the exceptional sealing capabilities. This is because during heating and compression of the prior art precursor, no adhesive coated bladder of the precursor extends above the margin of the inner sock to contact the mandrel and provide the novel "sealing cuff" of the present invention as specifically claimed.

For the foregoing reasons and for the reasons set forth in the William's Declaration, it is respectfully submitted that the inventions now claimed in application Serial No. 09/978,441 are neither described in, nor remotely suggested by the prior art of record. Because of the absence in the references of a method for forming the claimed "glaze-like" sealing surface, a combination of the prior art references, as proposed by the Examiner, would not produce the article of the invention as claimed.

The application Serial No. 09/978,441 is now believed in condition for allowance and such action is respectfully requested.

Respectfully submitted,


James E. Brunton, Esquire
Post Office Box 29000
Glendale, California 91209-9000
Registration No. 24,321
(818) 956-7154

JEB/bsp

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Commissioner of Patents, Post Office, Box 1450,
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 12/8/03 ✓